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In re Application of	:	
WAGENER, MICHAEL et al.	:	DECISION ON REQUEST TO
Application No. 10/580,300	:	PARTICIPATE IN PATENT
Filed: October 23, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 047653/311996	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 22, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (3) Examination of the U.S. application has not begun;
- (4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
- (5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fails to comply with the requirement because:

A copy of all EPO office actions and a copy of the allowed claims and English translation thereof have not been provided.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebs/efs_help.html.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.



RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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TC 1600